

PD-0498-17

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**IN THE COURT OF CRIMINAL APPEALS  
FOR THE STATE OF TEXAS**

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FILED  
COURT OF CRIMINAL APPEALS  
10/12/2017  
DEANA WILLIAMSON, CLERK

**WILLIAM ROGERS,**

**APPELLANT,**

**v.**

**STATE OF TEXAS,**

**APPELLEE.**

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***SECOND MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANT'S BRIEF***

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW, APPELLANT, WILLIAM ROGERS, by and through his court appointed counsel, and files this second motion to request that the time for filing Appellant's Brief in this cause be extended by 1 days to October 10, 2017, and as reasonable explanation for the extension, would show the following:

I.

Appellant's PDR was granted on August 23, 2017. Appellant's response was originally due on, or about, September 22, 2017. This Court granted an extension until October 9, 2017, for Appellant to file briefing.

## II.

The facts recited in this motion are apparent in the record, known to the Court, or are within the undersigned's personal knowledge and are true and correct.

This extension is not sought for purposes of delay. The undersigned, was Appellant's court appointed attorney for direct appeal and filed a PDR to this Honorable Court of Criminal Appeals *pro bono* and electronically filed briefing for Appellant on, or about 12:24 a.m., October 10, 2017.

The undersigned was ill on Monday, October 9, 2017. This was unanticipated by the undersigned. Nonetheless, the undersigned attempted to comply with the briefing deadline and was on track for completing the brief to be timely filed. Near the end, issues arose with the completion of non-argument sections of the brief and the program being used by the undersigned. This caused a delay that pushed the final completion past midnight. This caused further delay.

Since the brief was not filed by Monday, October 9, 2017, the brief had to be amended again to reflect the actual date filed and served, which the undersigned realized prior to filing, which also caused further correction to the brief and reformatting of the PDF version to be electronically filed.

Previously, the undersigned had requested additional time to file the brief due to Hurricane Harvey and his father's cancer

diagnosis. The medical issue is still ongoing. Both issues were disruptive to recent scheduling.

The failure to file the brief by October 9, 2017, was not due to conscious indifference to this Honorable Court or its deadlines. In any event, Appellant is not responsible for the delay in filing of the brief and should be allowed to continue his appeal in this matter.

Appellant's counsel requests that Appellant be granted an additional 1 day to file Appellant's Brief on the Merits and that this Honorable Court of Criminal Appeals consider the brief filed on October 10, 2017, accepted and timely filed.

### III.

There has been one previous request for extension.

### IV.

The undersigned does not know whether the State is opposed to this request. The undersigned will confer with the State and update the Clerk of this Court.

WHEREFORE, Appellant requests that this Honorable Court of Criminal Appeals extend the time for filing Appellant's Brief, and for such other, and further, relief to which the undersigned is justly entitled.

Respectfully submitted,

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Luis A. Martinez  
State Bar No. 24010213  
**ATTORNEY FOR APPELLANT**  
**WILLIAM ROGERS**

**CERTIFICATE OF SERVICE**

This is to certify that a true, correct and complete copy of the foregoing instrument has been served to the attorney(s) in this cause on the 11th day of October, 2017.



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Luis A. Martinez

***Via E-Mail: [rclassman1@sbcglobal.net](mailto:rclassman1@sbcglobal.net)***

The Hon. Robert C. Lassman  
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